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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/071,189	05/01/1998	JOHN MADDALOZZO JR.	AT9-98-024	5241

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EXAMINER

SHANKAR, VIJAY

ART UNIT

PAPER NUMBER

2673

DATE MAILED: 02/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/071,189

Applicant(s)
Maddalozzo Jr.

Examiner
VIJAY SHANKAR

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2673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Dec 6, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) 22-39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.
2. Claims 25-39 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made without traverse in Paper No. 10.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the

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application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshinobu et al (5,777,605).

Regarding Claim 1, Yoshinobu et al disclose a method in a portable computer having a display screen for supporting increased portable computer compactness, the method comprising displaying data within the display screen (figs.9,13,14); partitioning the display screen into a touch-sensitive input area and a display area (Fig.14,16; col.8; line 47- col. 9, line 20); detecting if a user's hands are positioned at the touch-sensitive input area (fig.5-7; col.5; line 55- col.6, line 65); and graphically displaying a touch-sensitive pad at the touch-sensitive input area, in response to detecting a user's hands positioned at the touch-sensitive area, such that a user may utilize the touch-sensitive pad to enter data to be displayed in the display area (fig.5-7; col.5; line 55- col.6, line 65;

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figs. 13-17; col.8, line 47- col.9, line 63).

Regarding Claims 2 and 9, Yoshinobu et al discloses the method further comprising detecting if the user's hands are no longer positioned at the touch-sensitive input area; and concealing the touch-sensitive pad from view, in response to detecting that the user's hands are no longer positioned at the touch-sensitive input area (fig.5-7; col.5; line 55- col.6, line 65; figs.9,11,12; col.7, line 30- col.8, line 46).

Regarding Claims 3 and 10, Yoshinobu et al. disclose the method wherein graphically displaying a touch-sensitive pad (107 in fig.12) comprises graphically displaying a touch -sensitive keyboard (301 in fig.13) at the touch-sensitive input area, in response to detecting a user's hands positioned at the touch-sensitive area, such that a user may utilize the touch sensitive keyboard to enter data to be simultaneously displayed in the display area (figs.12,13; col. 8, lines 37- 66).

Regarding Claims 4-6 and 11-13,20, Yoshinobu et al disclose the method wherein graphically displaying a touch-sensitive keyboard (Fig.12)

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comprises graphically displaying a transparent touch -sensitive keyboard (302 in fig.13) at the touch-sensitive input area, in response to detecting a user's hands positioned at the touch-sensitive area, such that a user may utilize the transparent touch -sensitive keyboard to enter data to be displayed in the display area (figs.12,13; col. 8, lines 37- 66).

Regarding Claim 7, Yoshinobu et al disclose the method further comprising analyzing physical characteristics associated with the user while the user is entering a particular sequence of data utilizing the touch-sensitive keyboard; and in response to analyzing the physical characteristics, configuring a sensitivity level for the touch-sensitive keyboard (figs.12,13; col. 8, lines 37- 66).

Regarding Claim 8, Yoshinobu et al discloses a portable data processing system comprising a display screen and means for displaying data within the display screen (figs.9, 12-14) ; means for partitioning the display screen into a touch-sensitive input area and a display area (Fig.14,16; col.8; line 47- col. 9, line 20); means for detecting if a user's hands are positioned at the touch-sensitive input area (fig.5-7; col.5; line 55- col.6, line 65) ; and means for

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graphically displaying a touch-sensitive pad at the touch-sensitive input area, in response to detection of a user's hands positioned at the touch-sensitive area, such that a user may utilize the touch-sensitive pad to enter data to be displayed in the display area (fig.5-7; col.5; line 55- col.6, line 65; figs. 13-17; col.8, line 47- col.9, line 63).

Regarding Claims 14,21, Yoshinobu et al discloses the system further comprising means for analyzing physical characteristics associated with the user while the user is entering a particular sequence of data utilizing the touch-sensitive keyboard; and means for configuring a sensitivity level for the touch-sensitive keyboard according to the physical characteristics, in response to analyzing the physical characteristics (fig.5-7; col.5; line 55- col.6, line 65; figs. 13-17; col.8, line 47- col.9, line 63).

Regarding Claim 15, Yoshinobu et al discloses a program product that supports increased portable computer compactness, the program product comprising data display instructions for displaying data within a display screen of a

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portable computer(figs.9, 12-14); partition instructions for partitioning the display screen into a touch-sensitive input area and a display area (Fig.14,16; col.8; line 47- col. 9, line 20) ; detecting instructions for detecting if a user's hands are positioned at the touch-sensitive input area (fig.5-7; col.5; line 55- col.6, line 65); pad display instructions for graphically displaying a touch-sensitive pad at the touch-sensitive input area within the display screen, in response to detection of a user's hands positioned at the touch-sensitive area, such that a user may utilize the touch-sensitive pad to enter data to be displayed in the display area (fig.5-7; col.5; line 55- col.6, line 65; figs. 13-17; col.8, line 47- col.9, line 63); and a computer usable medium encoding the data display instructions, said partition instructions , the detection instructions, and the pad instructions (fig.5-7; col.5; line 55- col.6, line 65; figs. 13-17; col.8, line 47- col.9, line 63).

Regarding Claim 16, Yoshinobu et al discloses the program product wherein the computer usable medium further encodes instruction means for detecting if the user's hands are no longer positioned at the touch-sensitive input area; and instruction means for concealing the touch-sensitive pad from view, in response to detecting that the user's hands are no longer positioned at the touch-

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sensitive input area (fig.5-7; col.5; line 55- col.6, line 65; figs.9,11,12; col.7, line 30- col.8, line 46).

Regarding Claim 17, Yoshinobu et al discloses the program product wherein the pad display instructions comprise keyboard display instruction for graphically displaying a touch-sensitive keyboard (302 in fig.13) at the touch-sensitive input area, in response to detection of a user's hands positioned at the touch-sensitive area, such that a user may utilize the touch-sensitive keyboard to enter data to be displayed in the display area (figs.12,13; col. 8, lines 37- 66).

Regarding Claim 18, Yoshinobu et al discloses the program product wherein the keyboard display instructions graphically display a transparent touch-sensitive keyboard at the touch -sensitive input area within the display screen, in response to detection of a user's hands positioned at the touch-sensitive area, such that a user may utilize the transparent touch-sensitive keyboard to enter data to be displayed in the display area (figs.12,13; col. 8, lines 37- 66).

Regarding Claim 19, Yoshinobu et al discloses the program product wherein the data display means displays data in the display area within the display

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screen, in response to user data entry at the keyboard (figs.12,13; col. 8, lines 37-66).

Response to Arguments

6. Applicant's arguments filed on 12-6-02 have been fully considered but they are not persuasive.

Applicant argues that Yoshinobu et al does not teach displaying data within the display screen; partitioning the display screen into a touch-sensitive input area and a display area; detecting if a user's hands are positioned at the touch-sensitive input area; and graphically displaying a touch-sensitive pad at the touch-sensitive input area, in response to detecting a user's hands positioned at the touch-sensitive area, such that a user may utilize the touch-sensitive pad to enter data to be displayed in the display area.

However, Yoshinobu et al disclose displaying data within the display screen (figs.9,13,14); partitioning the display screen into a touch-sensitive input area and a display area (Fig.13,14,16; col.8; line 47- col. 9, line 20); detecting if a user's hands are positioned at the touch-sensitive input area (fig.5-7;13,14,

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col.5; line 55- col.6, line 65); and graphically displaying a touch-sensitive pad at the touch-sensitive input area, in response to detecting a user's hands positioned at the touch-sensitive area, such that a user may utilize the touch-sensitive pad to enter data to be displayed in the display area (fig.5-7; col.5; line 55- col.6, line 65; figs. 13-17; col.8, line 47- col.9, line 63).

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

ANY AMENDMENT OR REQUEST FOR RECONSIDERATION IN RESPONSE TO THIS FINAL OFFICE ACTION SHOULD BE DIRECTED TO:

Commissioner of Patent and Trademarks

BOX AF

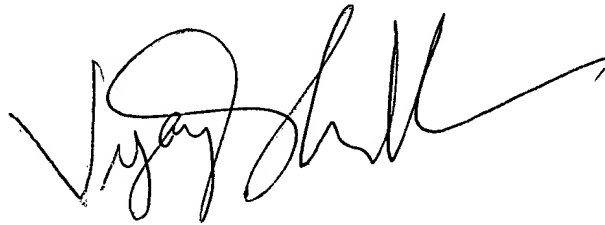
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By following this practice it has been found that processing time of the response is reduced, thereby resulting in fewer potential requests for extension of time by applicant.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (703) 305-4763.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 306-5631. The Group's new FAX number is (703) 872- 9314. This FAX number is to be used only for Group 2600 papers.

A handwritten signature in black ink, appearing to read 'Vijay Shankar', with a stylized, flowing script.

**VIJAY SHANKAR
PRIMARY EXAMINER
GROUP ART UNIT 2673**